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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590

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EXAMINER

HALPERN, MARK

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/659,471

Applicant(s)

MOSER ET AL.

Examiner

Mark Halpern

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 1-3,6,10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 10/29/2004. Applicants amend claims 4 and 7.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2) Claims 1-3, 10, are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (1,599,376).

Claim 1: Smith discloses two revolving continuous wires including top wire 17 and bottom wire 8, both wires disposed partially in tank 3 containing fibrous stock. The fibrous material enters the tank from container 21 by conduit 22. The wires 8 and 17, are drawn over rolls as disclosed in Figure, are moving in the same direction as shown by arrow 8a, and are converging within the tank to form a gap where the fibrous material enters and is then carried over roll 15 to suction box 6, which serves to remove any liquid which may remain in the fibrous material disposed between said wires. After passing suction producing device 16 the material is fairly dry at point 25 and enters a drying machine (pg. 1, line 45 to pg. 2, line 37 and Figure). The tank 3 acts as a

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headbox. The turning element is roll 15. The suction box 6, suction producing device 16 and roll 20 are the separating element separating the two wires.

Claims 2-3: as shown in the Figure and discussed above, the separation element separating the top wire from the bottom wire is disclosed. The operation of the transfer box under claimed partial vacuum is considered a method limitation and not a structural limitation.

Claim 10: the turning element is roll 15, after which the web is proceeding at zero angle with the horizontal, as shown in the Figure of Smith..

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

Smith is applied as above for claim 1, Smith is silent on the separation element extending substantially across a width of the fiber. It would have been obvious, to one skilled in the art at the time the invention was made, that the separation element extends substantially across a width of the fiber, because that is good operational practice in that it would assure uniform action on the formed web.

4) Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Odell (5,395,484). Smith is applied as above for claim 10, Smith is silent on the

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downwardly angle of the two revolving continuous wires past the turning element.

Odell, as shown in Figure 5, discloses the turning element at a small downwardly angle from the horizontal. It would have been obvious, to one skilled in the art at the time the invention was made, that the downwardly angle of the two revolving continuous wires of Odell be within the range claimed in order to provide even transfer of the formed web to wire 10. It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Smith and Odell, because such a combination would improve web liquid removal in the design of Smith.

***Allowable Subject Matter***

5) Claims 4-5, 7-9, are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indication of allowable subject matter is that the cited prior art does not show: a twin wire former wherein a separation element is a transfer suction box of design claimed (claim 4); a twin wire former containing a flat suction box located between a guide roll serving as a turning element and a transfer suction box serving as a separation element (claim 7).

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***Response to Amendment***

- 6) Claims 1-3, rejection under 35 U.S.C. 102(b) as being anticipated by Odell (5,395,484), is withdrawn in view of applicants arguments and further search of art in prior art.
- 7) Claims 6, 10-11, rejection under 35 U.S.C. 103(a) as being unpatentable over Odell, is withdrawn in view of applicants arguments and further search of art in prior art.
- 8) Applicants' arguments with respect to claims 1-3, 6, 10-11, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

- 9) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wahren (4,100,018).
- 10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mark Halpern